

Reply to Office Action of June 06, 2006
Amendment Dated: June 15, 2006

Appl. No.: 10/608,467
Attorney Docket No.: H0003936

REMARKS

In response to the Office Action dated June 06, 2006 (hereafter "Outstanding Office Action"), requesting election of one invention to prosecute in the above-referenced patent application, Applicants hereby elects to prosecute the invention of claims 22-25. The
5 election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

The election is made with traverse. The grounds for traverse are noted below.

10 First, Applicant(s) note(s) that 35 U.S.C. § 121, the basis for a restriction requirement, provides for restriction only if two or more independent and distinct inventions are claimed in one application. While § 802.01 of the MPEP indicates that a restriction between independent or distinct inventions is permissible, such section of the MPEP is clearly erroneous in view of the plain and unambiguous language of 35 U.S.C.
15 §121.

A review of the Office Action reveals that the Examiner has failed to clearly indicate how the subject matter recited in the claims in issue relating to the respective groups represents both independent and distinct inventions as required by 35 U.S.C. § 121.
20

Even assuming arguendo that the Examiner has met the burden of meeting the "independent and distinct" requirements of above, MPEP § 803.I states in relevant parts:

25 I. < CRITERIA FOR RESTRICTION BETWEEN PATENTABLY DISTINCT INVENTIONS

There are *two criteria* for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § *>806.06<, § 808.01) or distinct as claimed (see MPEP § 806.05 - § *>806.05(j)<); and

30 (B) There *>would< be a *serious burden on the examiner* if restriction is >not< required (see MPEP § 803.02, **> § 808<, and § 808.02).

(Emphasis Added)

Reply to Office Action of June 06, 2006
Amendment Dated: June 15, 2006

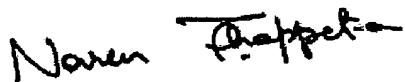
Appl. No.: 10/608,467
Attorney Docket No.: H0003936

A review of the Outstanding Office Action clearly indicates that the Examiner has not established that there would be a serious burden on the Examiner if restriction is not required.

5

Withdrawal of the restriction requirement is accordingly respectfully requested. All the rejections are thus believed to be overcome and continuation of examination is respectfully requested.

Respectfully submitted,



Narendra Reddy Thappeta/
Signature

Date: June 15, 2006

Printed Name: Narendra Reddy Thappeta
Attorney for Applicant
Registration Number: 41,416

Y:\matters\HON\021\resp-0 hon-21 restriction requirement.wpd